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EXTRAORDINARY

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No. 315-B] NEW DELHI, TUESDAY JUNE 11, 1957/JYAISTHA 21, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 6th June 1957

S.R.O. 1933-B.—In pursuance of the provisions of Sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 473 of 1957, presented to the Commission on the 9th May, 1957 under section 81 of the said Act, by Roopchand S/o Suganchandji, resident of village Kalu, Tehsil Loonkaransar, P. O. Kalu and Shri Chunilal S/o Shri Badri Ramji Pandia, Near Songri Well, Bikaner, Calling in question the election to the House of the People from the Bikaner Parliamentary Constituency of that House of Shri Pannalal son of Shri Modaram, resident of Mohalla Jasolai, Bikaner and Shri Karnisinghji son of Shri Sadulsinghji, resident of Lalgargh Place, Bikaner.

Presented to me by Shri R. Patnaik, who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the ninth day of May one thousand nine hundred and fifty seven.

(Sd.) DIN DAYAL,
9-5-57.

(Sd.) R. PATNAIK.

Attested.

(Sd.) DIN DAYAL, Under Secy.,
9-5-57.

IN THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 473 OF 1957

1. Roopchand S/o Suganchandji by caste Nahata, age about 41 years, resident of village Kalu Tehsil Loonkaransar P. O. Kalu.
2. Chunilal S/o Badriramji by caste Pandia, age about 25 years resident of near Songiri Well, Bikaner.

Versus

1. Shri Pannalal S/o Shri Modaram by caste Barupal (Meghwal) age about 38 years, resident of Mohalla Jasolai, Bikaner.
2. Shri Karnisinghji S/o Shri Sadulsinghji by caste Rajput, age about 32 years, resident of Lalgargh Palace, Bikaner.

(1968/3)

3. Shri Kedarnath S/o Babu Ram by caste Sharma, age about 38 years, resident of Purani Abadi, Sri Ganganagar.
4. Shri Punamchand S/o Shri Roopa Ram by caste Regar, age about 24 years, resident of Shivbari in the District of Bikaner, P. O. Shivbari.
5. Shri Hari Ram S/o Shri Maiya Ram by caste , age about 31 years, resident of Padampur in the District of Sri Ganganagar, P. O. Padampur.
6. Shri Uda Ram S/o Heera Ram by caste Meghwal age about 38 years, resident of Pabu Bari, Bhambiwar, Bikaner.
7. Shri Hukma Ram S/o Shri Tikun Ram by caste Meghwal, age about 45 years, resident of Mohalla Bhambiwar, Bikaner.

Election Petition Under Sec. 100 of the Representation of the Peoples Act, 1951.

The Humble Petition of the Petitioners respectfully sheweth as under:—

1. That the parties arrayed as petitioners and respondents in this Petition as these candidates had filed their nomination papers from reserved and general seats respectively and were on the final list after due date of withdrawal for 1957 General Election to the Parliamentary Constituency from the State of Rajasthan on 4th February, 1957 and had contested the elections for the seats of Bikaner Parliamentary (Double Member) Constituency as such.

2. That on 25th March, 1957 the respondents No. 1 and 2 were declared as elected and returned candidates for the reserved and general seats respectively by the Returning Officer of the above said constituency.

3. That on the date of the filing of the nomination paper respondent No. 4 Shri Punamchand candidate for the reserved seat was legally not qualified either to stand for or to contest the election or to be chosen to fill the reserved seat from Bikaner Parliamentary Constituency to the House of the Peoples of the Indian Republic as a qualified candidate under the Provisions of the constitution of India and of the Representation of the Peoples of Act 1951, as he was only about Twenty Four years of age at the time of the filing of his nomination paper. The list of the documents showing correct age of the respondent No. 4 is entered in Schedule 'A' and the copies of the relevant documents are submitted with this Petition marked Ex. 1. Shri Punamchand is much below the legally required and qualified age and therefore, he was disqualified to stand for election. The Schedule may be deemed to be a part of this petition.

The candidature of the respondent No. 4 has materially affected the result of the election.

4. That the respondent No. 1 resorted to corrupt and illegal Practices under Sec. 77 and Sec. 123 of R. P. Act 1951 and the respondent No. 2 resorted to illegal and corrupt practices under Sec. 77 of the R. P. Act 1951 and the respondent No. 1 has influenced the voters by illegal and unfair means to secure the votes in his favour at the Polls. The Particulars of the Corrupt and illegal Practices have been mentioned in the Schedule 'B' attached with this petition.

5. That the illegal and corrupt practices have extensively prevailed in the elections of the said constituency and these have been used by the respondent No. 1 and 2 as a result of which free and fair election became a force. The illegal and corrupt practices used by this respondent his agent and by other persons on their behalf are as under:—

(1) That the respondent No. 1 and his other persons on his behalf have offered and promised to pay money to the voters for the purposes of voting particularly for the respondent No. 1 and to refrain from casting their second vote in favour of the other respondents. Specific Particulars have been mentioned in Schedule 'C' which may be deemed as the part of this Petition consequently a large number of both the votes have been casted in favour of the respondent No. 1

(2) That the respondent no. 2 and his agents made promises to the voters for giving them material and economic help in the future for the purposes of voting particularly for the respondent no. 2 and to refrain from casting their Votes in favour of the other respondents. Consequently a large number of double Votes have been cast in favour of the respondent no. 2 and have been declared as cumulative rejected.

- (3) That the agents of respondent no. 2 made misleading propaganda to catch the rural Voters. The essence of the propaganda was that "Vote for Maharaja Karnisinghji would return his Kingship." The ignorant masses were led away by this propaganda and it materially affected the result of the Election.
- (4) That the respondent no. 1 has used his undue influence on the electors of this constituency and has interfered directly and indirectly with the free exercise of the electoral right of the electors by threatening them of social ostracism and excommunication and expulsion from their caste if they would not vote for him being the candidate of their caste.
- (5) That the respondent no. 1 and his agents and other persons have made systematic appeals specially to the people of their community in different villages and have thrown pressure on them that they must vote to this respondent as they belong to their caste. The counting lists of different Polling Stations shall establish these facts. This respondent has secured a majority of votes by illegal and corrupt practice from the voters of their caste and community and this materially affected the result of election. The Petitioners crave leave to refer to the counting list which are in the power of the Hon'ble Election Commission.
- (6) That the respondents No. 1 and 2 have incurred the expenditure in contravention of the prescribed limit under the Law. The returns submitted by the respondents are incorrect and untrue. That the return of the election expenditure of respondent no. 2 has not disclosed the real expenditure incurred on petrol and fooding charges. The expenditure incurred by Respondent no. 2 is much higher than the legally prescribed limit.
6. That in Bikaner Parliamentary Constituency there was one polling station named as 'Keshardesar Jattan' in which two villages were included in the Polling Station. About more than six hundred electors' list of village Keshardesar Jattan was not ready. This list was printed only a few days before the Polling day. Thus more than six hundred persons who not legally entitled to caste their votes, have caste their votes which was illegal and unauthorised. This was done against the provisions of the R.P. Act and the rules. And thus it has materially affected the result of the Election.
7. That at the time of Scrutiny of the nomination Papers, the nomination paper of the respondent No. 4 who was disqualified to stand being below the prescribed age. Under the constitution and under provisions of R. P. Act was improperly accepted by the Returning Officer. This improper acceptance of the nomination paper of the respondent No. 4 has materially affected the result of the election.
8. That the respondent No. I was candidate from reserved Seat on the Congress Ticket and he has widely distributed the appeals and Pamphlets issued in the name of Mrs. Indra Gandhi and Mrs. Sucheta Kripalani. These Pamphlets contained false and misleading facts which has misled minds of the illiterate and uneducated Voters and have thus been able to make the voters to cast their votes in the boxes of respondent No. 1. This has materially affected the result of the election.
9. That the result of the Parliamentary Constituency from the State of Rajasthan was announced on 25th March, 1957 and hence the petition is within time.
10. That the requisite amount of security deposit under sec. 177 of R. P. Act 1951 has been deposited and the receipt No. 337 D/- 9-5-57 for Rs. 1,000/-/- is enclosed herewith.
11. It is therefore, prayed that:—
 - (1) The election of all the elected and returned candidates i.e., no. 1 and 2 to the Bikaner Parliamentary Constituency be declared wholly void.
 - (2) That the petition be accepted with costs.
 - (3) That the respondents no. 1 and 2 be unseated and be disqualified for further elections.

(4) That re-election be ordered.

(5) That any other relief to which the petitioners are entitled may also be granted.

(Sd.) ROOP CHAND NAHATA

CHUNILAL PANDIA

Petitioners.

Verification

I, the petitioner, Roopchand s/o Suganchandji and Chunilal who have signed this petition do hereby verify at Bikaner this 8th day of May, 1957, that the contents of Paras 1, 2, 3, 6, 7, 8 and 10 of the petition are true to the best of my knowledge and belief and Paras Nos. 4, 5 and 9 are believed to be true on the information received.

(Sd.) ROOP CHAND NAHATA

CHUNILAL PANDIA

Petitioners.

SCHEDULE 'A'

List of the documents submitted with the Petition by the Petitioners.

1. Certificate from Ramdeo School mentioning the date of birth of shri Punamchand Regar.

Ex 1

2. Certified copy of the nomination paper.

Document No. 2 will be submitted later on.
N.B.—Other documents relating to these will be submitted later on.

Verification

I, the petitioner Roopchand s/o Suganchandji and Chunilal s/o Badriramji who have signed this Schedule, do hereby verify this 8th day of May, 57 at Bikaner that the contents of the Schedule are believed to be true and correct on the information received.

(Sd.) ROOP CHAND NAHATA

CHUNILAL PANDIA

Petitioners.

SCHEDULE 'B'

S. No.	Village	Date	By Whom
1.	Kakku	21-2-57	Pannalal and by his agents,
2.	Panchu	23-2-57	do.
3.	Uda Ramsar	7-3-57	do.
4.	Bikaner city	6-3-57 to 10-3-57	do.
5.	Shivbari	7-3-57	do.
6.	Raisinghnagar	23-2-57	do.
7.	Hanumangarh	25-2-57	do.
8.	Rasisar	5-3-57	do.
9.	Kalu	23-2-57	do.
10.	Ganganagar	25-2-57	do.
11.	Kapurisar	17-2-57	do.
12.	Mahajan	27-2-57	do.
13.	Godu	24-2-57	do.

Verification

I, the petitioners Roopchand and Chunilal who have signed this Schedule, do hereby verify this 8th day of May, 57 at Bikaner that the contents of the Schedule are believed to be true and correct on the information received.

(Sd.) ROOP CHAND NAHATA

CHUNILAL PANDIA

Petitioners.

SCHEDULE 'C'

Names of villages where the respondent no. 1 has appealed on caste and community basis

1. Bania.
2. Ramsar Khalsa.
3. Bikaner City.
4. Ganganagar.
5. Hanumangarh.
6. Kesardesar Jatan.
7. Gajner.
8. Churu.
9. Ratangarh.
10. Jaisinghdesar Magra.
11. Rasisar.

Verification

I, the petitioners Roopchand and Chunilal who have signed this Schedule, do hereby verify this 8th day of May 57 at Bikaner that the contents of the Schedule are believed to be true and correct on the information received.

(Sd.) ROOP CHAND NAHATA
CHUNILAL PANDIA
Petitioners.

Names of villages where the respondent No. 2 made misleading Propaganda

1. Bania.
2. Ramsar Khalsa.
3. Palans.
4. Bikaner City.
5. Ganganagar.
6. Hanumangarh.
7. Kesardesar Jatan.
8. Gajner.
9. Churu.
10. Ratangarh.
11. Rasisar.
12. Jaisingdesar Magra.

Verification

I, the petitioners Roopchand and Chunilal who have signed this Schedule, do hereby verify this 8th day of May 57 at Bikaner that the contents of the Schedule are believed to be true and correct on the information received.

(Sd.) ROOP CHAND NAHATA
CHUNILAL PANDIA
Petitioners.

SCHEDULE 'D'

List of items of expenditure which the respondent no. 2 and other persons on his behalf have incurred in the election period but has not shown in the election return submitted.

1. Fooding charges incurred in the election period to feed his worker.
2. Petrol used for Jeeps and other Cars used for election tour purposes.
3. Amount paid to workers for as remuneration in the election period.

N.B.—The amount and the names of the persons have not been shown here as the respondent no. 2 may try to win over the witnesses.

Verification

I, the petitioners Roopchand and Chunilal who have signed this Schedule, do hereby verify this 8th day of May 57 at Bikaner that the contents of the Schedule are believed to be true and correct on the information received.

(Sd.) ROOP CHAND NAHATA

CHUNILAL PANDIA

Petitioners.

[No. 82/473/57.]

By Order,

DIN DAYAL, Under Secy.,